

Clarke County, Virginia
Clarke County Code
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State Law
Adopted 1987

Chapter 12

WATER AND WASTEWATER*

Art. I. In General, SS 12-1-12-15
Art. II. Water, SS 12-16-12-30
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Div. 1. Generally. SS 12-31-12-45
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ARTICLE I. IN GENERAL

Secs. 12-1-12-15. Reserved.

ARTICLE II. WATER^t

Sec. 12-16. New wells generally.

All new potable or nonpotable water supply wells shall be constructed as class II, type B wells as defined in the state board of health waterworks regulations, February 1, 1982, section 8.03.01.d.2 (page 8-3).
(Mo. of 1-20-87)

Sec. 12-17. Potable water wells.

- (a) All wells constructed as sources of potable water shall be subject to this section.
- (b) Positive surface drainage should be provided away from the well to prevent surface runoff from entering the wellbore hole prior to grouting the well casing.
- (c) The use of drilling muds or foams is not recommended. All wells should be drilled by the air rotary method, unless the well drilling contractor can justify the use of muds or foams as the only alternative for proper construction of the well. If drilling muds or foams are required, the well should be properly developed to reduce turbidity and any other associated contamination as a result of their use.

*Cross references-Administration, Ch. 2; buildings, Ch. 4; fire prevention and protection, Ch. 5;

mobile homes, Ch. 7; offenses-miscellaneous, Ch. 9; refuse and weeds, Ch. 10; county sanitary authority, S2-8.

State law references-Public utilities, Code of Virginia, S 15.1~292 et seq.; authority of county to adopt measures to secure and promote public health and prevent the spread of disease and the pollution of water, Code of Virginia, ° 15.1-510; local sewage disposal generally, Code of Virginia, ° 15.1-317 et seq.; sanitary districts, Code of Virginia, ° 21-112.22 et seq.; environmental health services as to sewage disposal, Code of Virginia, ° 32.1-163 et seq.
tCross reference-Stagnant water on premises, ° 9.39.

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(d) If drilling muds or foams are used and there is a sudden loss of circulation during drilling, drilling should cease and attempts made to retrieve as much of the material as possible by air lift development. Upon completion of air lift development and prior to resumption of drilling, the zone in which the circulation loss occurred should be cased off to prevent further loss of drilling fluids.

(e) Extensive solution features or voids encountered in the carbonate should be cased off unless such zones are sources of water for the well. (Mo. of 1-20-87)

Secs. 12-18-12-30. Reserved.

ARTICLE III. WASTEWATER

DIVISION 1. GENERALLY

Sec. 12-31. Prohibited arrangement for disposal of human excrement.

No person shall construct, maintain or permit on any premises owned by him or in his charge any arrangement for the disposal of human excrement which may endanger a source of food or drinking water, or which allows flies to have access to the human excrement, or drainage from which escapes onto the surface of the ground on his or adjoining property, or which, in the opinion of the health officer, gives rise to a nuisance.

(Code 1974, S 17-1)

Sec. 12-32. Sanitary arrangements for places where persons live, etc.

Every house used as a human habitation, every warehouse, every public building and every other place where human beings congregate or are employed in the county shall be provided by the owner thereof with a sanitary toilet, privy or other sanitary device for the disposal of human excrement. If any outside privy is used, it must be built and maintained in accordance with the specifications and requirements of the state board of health.

(Code 1974, S 17-2)

Sec. 12-33. Sewage disposal methods generally where flush toilets installed.

All homes and other places in which flush toilets are installed shall be provided by the owners with methods of sewage disposal approved by the health officer or his representative.

(Code 1974, S 17-3)

Sec. 12-34. Depositing human excrement on ground, where accessible to flies, etc.

No person shall deposit any human excrement upon the surface of the ground or in any place where it may endanger a source of food or drinking water or be accessible to flies or animals.

(Code 1974, S 17-4)

Secs. 12-35-12A5. Reserved.

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DIVISION 2. SEPTIC TANKS*

Sec. 1246. Permit for installation.

It shall be unlawful for any person to install or have installed in the county a system for disposal of sewage which involves the use of a septic tank and subsurface drainage without first obtaining a permit from the health officer or his representative.

(Code 1974, S 17-6)

Sec. 1247. Inspection and approval of design, location, etc.

(a) The health officer or his representative shall decide whether or not the land available for the installation of a septic tank sewage disposal system is adequate and satisfactory as to size, topography, characteristics of the soil and the nature and location of the water supply. The health officer or his representative shall decide the design and capacity and approve the location of the septic tank. The amount of subsurface drainage tile and the kind and amount of absorption material used in the ditches shall conform to the requirements of the state board of health. Any information which is needed by the health officer as to the characteristics of the soil and the topography of the area shall be provided by the property owner.

(b) Septic tanks shall be inspected by the health officer or his representative and approved before they are permitted to be covered or used.

(Code 1974, S 17-7)

Sec. 1248. Professional septic tank cleaners.

No person shall engage in the business of cleaning septic tanks unless and until the equipment to be used by such person in connection with the operation of such business complies with the

following standards and has been inspected and approved in writing by the health officer:

- (1) The tank into which the septic tank sludge is pumped or delivered and carried shall be fully enclosed and watertight.
 - (2) All inlets and outlets to such tank shall be fully enclosed and provided with watertight valves.
 - (3) Suction and discharge hose shall be watertight, and provision shall be made for carrying such hose in a manner that will prevent any leakage therefrom.
 - (4) All exposed surfaces shall be painted and maintained in a sanitary condition by frequent washings.
 - (5) The name and address of the person owning or operating such equipment shall be painted thereon in letters at least four (4) inches high.
- (Code 1974, S 17-8)

*State law references-Power of county to regulate the installation of septic tanks, Code of Virginia, S 15.1-520; septic tank permits, 32.1-164.1 et seq.

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Sec. 12-49. Disposition of sludge, etc., removed from septic tank.

It shall be unlawful for any person, whether or not engaged in the business of cleaning septic tanks, to dispose of the sludge and other material removed from septic tanks except by depositing it in such a manner that it will not endanger the source of domestic food or water supplies, or by depositing it into a public sewer system or sewage treatment plant except at such designated locations and under such conditions as may be promulgated by the owners or operators of such public sewer system or treatment plant. In any event the sludge or other material shall be carefully deposited, and the surface of the ground, manholes, tanks, etc., into which the deposit is made, shall be maintained in a sanitary condition. Any covering of such surfaces with sludge or other material shall be promptly and completely removed. With the approval of the health officer, the sludge may be deposited, with the consent of the landowners, on open land away from human habitations or highways.

(Code 1974, S 17-6)

Secs. 12-50-12-65. Reserved.

ARTICLE IV. SINKHOLES

Sec. 12-66. Definitions.

When used in this article, the following terms have the meanings given to them:

Owner of land or landowner. Any person who holds title to or is in possession of any land lying within the county, whether as owner, lessee or otherwise.

Person. Any natural person, any state, municipality, or other political subdivision, or other public agency or instrumentality, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing and any other entity.

Pollutants. Anything which, when introduced into water, alters the chemical, physical, biological or radiological properties of water.

Sinkhole. Any depression in the surface of the ground with or without collapse of adjacent rock which provides a means through which surface water can enter the ground and thereby come into contact with subsurface water. Sinkholes are divided into Class 1 Sinkholes and Class 2 Sinkholes.

(1) Class 1 Sinkhole. Any sinkhole which presents a significant subsurface water pollution hazard if, due to the drainage pattern of the land surrounding the sinkhole or the nature of the substances or objects in the sinkhole, the sinkhole may permit the entry of pollutants into subsurface water.

(2) Class 2 Sinkhole. Any sinkhole which is not a Class 1 Sinkhole for reasons pertaining to the sinkhole characteristics for transporting pollutants into the subsurface.

Substances and objects. All substances and objects, whether or not manmade and whether in liquid, solid or gaseous form.

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Subsurface water. Any water below the surface of the ground including, but not limited to water in the saturated and unsaturated zones.

(Mo. of 1-20-87)

Sec. 12.67. General intent.

The county relies on a clean supply of subsurface water to foster and protect human health and welfare. Clean water resources are essential for the economic and social development of the county. The karst geomorphology of the county creates high contamination potential for subsurface water associated with pollutants in or around sinkholes. Therefore, it is declared to be the policy of the county to protect human health and the public welfare by establishing land-use

controls to abate and mitigate the subsurface water pollution potential by prohibiting the movement of pollutants to the subsurface water through sinkholes. (Mo. of 1-20-87)

Sec. 12-68. Administration.

The office of the county planning administrator and the county health department shall have the duty and responsibility to implement and enforce the provisions of this article.
(Mo. of 1-2087)

Sec. 12-69. Placing substances and objects in sinkholes.

No person shall place or cause to be placed any substances or objects, other than those approved by the county, in any sinkhole.
(Mo. of 1-20-87)

Sec. 12-70. Class 1 Sinkholes.

(a) The county shall take the steps necessary to identify Class 1 Sinkholes located in the county and prescribe corrective and protective measures deemed reasonable and necessary to minimize and, if possible, eliminate the entry of pollutants into subsurface water through such sinkhole. Such corrective and protective measures include but are not limited to:

- (1) Buffer zones covered with grass or other appropriate vegetation;
- (2) Installation of diversion methods or structures;
- (3) Installation of concrete or plastic liners;
- (4) Termination of the activity which creates the pollution hazard; and
- (5) Removal of substances and objects from the sinkhole.

Before prescribing corrective and protective measures with respect to a particular Class 1 Sinkhole, the county shall meet with landowner(s) involved and discuss with them the reasons the sinkhole presents a significant subsurface water pollution hazard and the need for corrective and protective measures to minimize and, if possible, eliminate the entry of pollutants into subsurface water through the sinkhole. In prescribing corrective and protective measures, the county shall consider all relevant factors, including, but not limited to, the expense

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of implementing such measures and the effect which implementing will have upon the use by the landowner(s) of their land. Provided, however, economic hardship alone shall not prevent the

prescription of corrective and protective measures. The corrective and protective measures prescribed, together with the date by which such measures must be completed, shall be set forth in writing and sent to the landowner(s) involved by return receipt mail.

(b) The owner of land upon which a Class 1 Sinkhole is located shall take the corrective and protective measures prescribed by the county.

The owner of land over, through or under which pollutants travel to a Class 1 Sinkhole which is located on another landowner's land shall take the corrective and protective measures prescribed by the county.

(Mo. of 1-20-87)

See. 12-71. Civil enforcement.

(a) Any person may submit to the county a verbal or written complaint alleging a violation of this article or the existence of a Class 1 Sinkhole with respect to which corrective and protective measures have not been prescribed.

(b) Upon receipt of a complaint, the county shall proceed pursuant to section 12-70(a).

Based upon a determination that there is a violation of this article, the county shall notify the violator by mail of the violation. The notice shall include:

(1) A statement of the violation.

(2) With respect to a violation of section 12-69, a statement that the county may remove from the sinkhole involved the offending substances and objects and that the violator will be obligated to the county for the reasonable cost of such removal.

(3) With respect to a violation of section 12-70(b), a statement that the county may take the already prescribed corrective and protective measures and the violator will be obligated to the county for the reasonable cost of such action.

(d) If, after taking the above steps and after a period of thirty (30) days following the mailing of the notice of the violation, the county, in good faith, determines that the violator is unwilling to take the corrective actions prescribed, the county shall again notify the violator by mail of the violation.

(e) With respect to a violation of section 12-69, ten (10) days after the mailing of the second notice, the county may remove from the sinkhole involved the offending substances and objects and bill the violator for the reasonable cost of such action.

(f) With respect to a violation of section 12-70(b) or (c), ten (10) days after the mailing of the second notice of violation, the county may take the already prescribed corrective and protective measures it deems necessary to minimize and, if possible, eliminate the entry of pollutants into subsurface water through the sinkhole and bill the violator for the reasonable cost of such action.

(Mo. of 1-20-87)

Sec. 12-72. Criminal enforcement.

In lieu of proceeding under section 12-71, a person who is alleged to have violated section 12-69 may be prosecuted for the commission of a misdemeanor.

(Mo. of 1-20-87)